

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

July 18, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Father Gene of St. Alphonsus Catholic Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Dages

Proclamation of "LOS AMIGUITOS CHILD DEVELOPMENT CENTER DAY" – Councilmember Dages

Proclamation of "MOTORCYCLE AND SCOOTER NATIONAL RIDE TO WORK DAY" – Council President Duncan and Acting President Perea

Presentation of Resolutions of Commendation to Darryl Smith and Raymond Allen, Bus Drivers for Fresno Area Express – Mayor Autry and City Manager's Office

Proclamation of "JUDGE CHARLES HAMLIN DAY" - Mayor's Office

Proclamation of "FRESNO RAGE GIRLS SOFTBALL TEAM" – Councilmember Calhoun

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (***Reception immediately following – 2nd floor foyer***)

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AND MAY BE AMENDED AT ANYTIME**

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Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of June 21, 22 and 27, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. Adopt Resolution of intention No. 1051-D for the vacation of Inyo Avenue, the Balch-Inyo Alley and the Inyo Mono alley, between Chestnut and Garden Avenues and setting the public hearing for August 15, 2006 at 10:05 a.m. (***Property located in District 5***) – Public Works Dept.
Action Taken:
- B. Designate a voting delegate and alternate to attend the League of California Cities 2006 Annual Conference scheduled for September 6 – 9, 2006, in San Diego - City Manager's Office
Action Taken:
- C. Affirm appointments of T. Brian Forrest and Laura L Whitehouse to the Northeast Area Plan Review and Implementation Committee - Council President Duncan
Action Taken:
- D. **RESOLUTION** - Declaring the results of the consolidated gubernatorial primary election held within the City of Fresno on June 6, 2006 – City Clerk's Office
Action Taken:
- E. * Authorize the Chief of Police to enter into a contract with the Fresno Unified School District to provide School Resource Officers – Police Dept.
Action Taken:
- F. **RESOLUTION** - Of intention to annex Final Tract No. 5413 and 5188 to the City of Fresno Community Facilities District No. 2, Annexation No. 130 and setting the public hearing for August 22, 2006, at 10:00 a.m. (***Property located in District 5***) – Public Works Dept.

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- G. * Approve the acquisition of a street easement at 2097 N. Polk Avenue from property owned by James J. and Loretta Maggiore – Public Works Dept. ***(Property located in District 3)***
Action Taken:
- H. Accept annual report from Calcot, Ltd., under Development Agreement - Public Works Dept.
Action Taken:
- I. **RESOLUTION** - Approving the Final Map of Tract No. 5489 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents ***(Property located in District 1)*** – Planning and Development Dept.
Action Taken:
- J. **BILL – (For introduction)** – Adopting the Text Amendment Application No. TA-06-01 amending the text of the Fresno Municipal Code Zoning Ordinance relating to the reconstruction of a residential building in an industrial zone if the property is planned for residential land uses - Planning and Development Dept.
Action Taken:

2. **CITY COUNCIL**

- A. **RESOLUTION – (For adoption)** - Proclaiming its endorsement of the U. S. Mayors' Climate Protection Agreement – Councilmember Calhoun
Action Taken:
- B. Discussion of the legal nexus of the street fees for development to implement the goals, objectives and policies of 2025 General Plan – Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

1. Appearance by Ruthie Taylor to discuss the tree in front of her house located at 1404 E. Jensen

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. Increasing compensation of City Elective Officers:
1. **BILL – (For introduction)** - Repealing Ordinance No. 2000-49 and adopting ordinance setting forth the compensation of City Elective Officers ***(Alternative A)***
Action Taken:
2. **BILL – (For introduction)** – Repealing Ordinance No. 2000-49 and adopting ordinance setting forth the compensation of City Elective Officers ***(Alternative B)***
Action Taken:

9:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- B. * Authorize Planning Director to execute Amendment No. 1 to Planning Resource Associates Contract for rezoning, annexation, and other planning consultant services – Planning and Development Dept.

Action Taken:

- C. Consideration of proposed final site plan required by action of the City Council on Rezone Application No. R-04-104 as related to proposed access to the San Joaquin Riverbottom – Planning and Development Dept.

Action Taken:

10:00 A.M.#1 CONTINUED HEARING to consider Community Facilities District No. 2, Annexation No. 122 Tract No. 5169 ***Property located in District 3)*** - Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 122

Action Taken:

10:00 A.M.#2 HEARING to consider Community Facilities District No. 2, Annexation No. 124, Tract No. 5377 (***Property located in District 5)*** - Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 124

Action Taken:

- e. **RESOLUTION** - Approving The Final Map of Tract No. 5377 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.

Action Taken:

10:00 A.M.#3 HEARING to consider Community Facilities District No. 2, Annexation No. 125, Tract No. 5340 (***Property located in District 6)*** - Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 125

Action Taken:

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SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.#4 HEARING** to consider Community Facilities District No. 2, Annexation No. 126, Tract No. 5477 (*Property located in District 5*) - Public Works Dept.
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 126
Action Taken:
- 10:00 A.M.#5 HEARING** to consider Community Facilities District No. 2, Annexation No. 127, Tract No. 5376 (*Property located in District 5*) - Public Works Dept.
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 127
Action Taken:
 - e. **RESOLUTION** - Approving the Final Map of Tract No. 5376 and accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- 10:00 A.M.#6 HEARING** to consider Community Facilities District No. 11, Annexation No. 8, Tract No. 5342 (*Property located in District 3*) - Public Works Dept.
- Action Taken:**
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 8
Action Taken:
- 10:00 A.M.#7 HEARING** to consider Community Facilities District No. 11, Annexation No. 9, Tract No. 5555 (*Property located in District 2*) - Public Works Dept.
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 9
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.#8** **CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 121, Tract No. 5300 (***Property located in District 1***) - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 121
Action Taken:
 - e. **RESOLUTION** Approving the Final Map of Tract No. 5300 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- 10:30 A.M. #1** Consider the Maintenance Agreement for proposed special tax district (Community Facilities District No. 12 - Copper River Ranch) (***Property located in District 6***) – Public Works Dept.
a. * Authorize the Director of Public Works to enter into a Maintenance Agreement for Copper River Ranch Special Tax District upon completion of Communities Facilities District No. 12 formation
Action Taken:
- 10:30 A.M. #2** **CONTINUED HEARING** to consider the formation of a special tax district (Community Facilities District No. 12 - Copper River Ranch); authorize levy of special taxes (***Property located in District 6***) - Public Works Dept.
a. **RESOLUTION** - Of formation to establish Community Facilities District No. 12 and to authorize levy of a special tax
Action Taken:- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 12
Action Taken:

10:40 A.M. **HEARING** to consider Rezone Application No. R-05-06, and environmental findings, filed by Woodside Homes, pertaining to approximately 34.93 (net) acres of property located on the north side of E. Shields Avenue between N. Locan and N. Temperance Avenues (***Property located in District 4***) – Planning and Development Dept.
Action Taken:

 - a. Consider and adopt Environmental Assessment No. R-05-06/T-5447/C-05-43, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. HEARING to consider Rezone Application No. R-06-02, and environmental findings, filed by Pleasant Valley Investments, LLC, pertaining to approximately 21 (net) acres of property located on the east side of S. Fowler Avenue between E. Church and E. Jensen Avenues (***Property located in District 5***) – Planning and Development Dept.

Action Taken:

1. Consider and adopt Environmental Assessment No. R-05-06/T-5552, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

2. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty-Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

Action Taken:

2:00 P.M.#1 **CONTESTED CONSENT CALENDAR**

2:00 P.M.#2 **CLOSED SESSION**

Acting Council President Perea will be present via conference call from JFK School of Government, 79 John F. Kennedy Street, Cambridge, MA.

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator: Kenneth Phillips, Terry A. Bond

Employee Organizations:

1. Fresno Police Officers' Association (FPOA)
2. Amalgamated Transit Union, Local 1027 (ATU)
3. City of Fresno Professional Employees' Association (CFPEA)
4. City of Fresno Management Employees' Association (CFMEA)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** David Anthony Rendon v. Fresno Police Department, et al.
Gabriel and Rebecca Rodriguez v. City of Fresno, et al.
United States Federal Court Case 1:05-CV-00661 OWW DLB
Lupe E. Martinez and Ralph C. Rendon v. City of Fresno
United States Federal Court Case 1:06-CV-00233 OWW DLB

Action Taken:

2:45 P.M. SPECIAL MEETING/JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY AND THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY

Approve Agency minutes of June 27, 2006

Action Taken:

A. Approve appointments to the Fresno Recreational Facilities Financing Authority Board (***City and Agency action***)

Action Taken:

B. * Approve transfer of title to Palm Lakes Golf Course from Fresno Recreational Facilities Financing Authority to City of Fresno and authorize execution of documents in pursuit thereof (***Authority and City action***)

Action Taken:

ADJOURN AUTHORITY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:45 P.M.

SPECIAL MEETING/JOINT MEETING WITH THE FRESNO REDEVELOPMENT CONTINUED

- C. * Approve agreement for the leasing of property by Fresno Moose Lodge #445, Inc. from City of Fresno for the purpose of providing a meeting facility for its organization **(City action)** – PR&CS

Action Taken:

3:00 P.M.

HEARING to consider the approval of a Disposition and Development Agreement with Elm Crossings Limited Partnership, a California Limited Partnership, acting through its Managing Member, Better Opportunities Builder, Inc., a California nonprofit public benefit corporation, and make findings and approvals in connection therewith and authorizing execution of documents **(Council and Agency action)**

Action Taken:

1. **JOINT RESOLUTION** - Approving a Development and Disposition Agreement between the Redevelopment Agency of the City of Fresno and Elm Crossings limited partnership, a California Limited Partnership, authorizing execution of related documents and making certain findings **(Council and Agency action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	20 -	8:30 A.M.	JOINT MEETING with the County Board of Supervisors regarding Police/Sheriff merging of Services at Cornerstone Conference Center
July	25 -	10:00 A.M.	CONTINUED HEARING to consider Rezone Application No. R-05-61, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled
July	25 -	10:30 A.M.	HEARING re: intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1
July	25 -	10:30 A.M.	HEARING
July	25 -	10:35 A.M.	HEARING re: Text Amendment Application No. TA-06-01 amending the text of the Fresno Municipal Code Zoning Ordinance regarding the reconstruction of a nonconforming residential building in an industrial zone district
July	25 -	10:45 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control
July	25 -	4:00 P.M.	2006 Cycle I Trimester Plan Amendment hearings
August	1 -		NO MEETING – COUNCIL VACATION
August	8 -		NO MEETING – COUNCIL VACATION
August	15 -	10:00 A.M.#1	HEARING re: Community Facilities District No. 2, Annexation No. 128, Tract No. 5287
August	15 -	10:00 A.M.#2	HEARING re: Community Facilities District No. 2, Annexation No. 129, Tract No. 5294
August	15 -	10:00 A.M.#3	HEARING re: Community Facilities District No. 2, Annexation No. 117, Tract No. 5229
August	15 -	10:05 A.M.	HEARING re: vacation of Inyo Avenue, the Balch-Inyo Alley, and the Inyo-Mono Alley, all between Chestnut and Garden Avenues
August	22 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 130, Tract No. 5413 and 5188